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November 13, 2023

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Second Consent Letter Motion  
on Motion Schedule

RE: United States v. Shahn Marshall, 23 Cr. 359 (LAK)

Your Honor:

I am defense counsel for Mr. Marshall in the above-referenced case.

I am writing this second consent letter on the motion schedule to request that the defense motion filing date be moved to the end of the day on Thursday, November 16, 2023, for the following reasons. AUSA Henry Ross, who is handling this case on behalf of the government, agrees with this request.

While I have motion papers partially prepared and was able to review them today with my client (who was recently transferred to Brooklyn MDC from Essex County Correctional Facility), I am requesting that the filing of defense motions be delayed a few days in order to determine whether the parties can arrive at a disposition of the case prior to the filing of any motions. During the past few business days I have been in discussions with the government to request a proposed plea agreement, and we have reached a tentative, informal understanding of the parameters of such an agreement. A formal agreement has not been forwarded to me yet, as I understand it requires some approvals within the U.S. Attorney's Office.

The expectation now is that a formal plea proposal will be forwarded to me tomorrow or the next day, at which time I will need a day or two to review it with my client. For that reason we propose to extend the motion filing date until the end of the day Thursday. Should we end up moving forward with the filing of the motions (which consists of a motion to suppress), we suggest that the government's date for responding to the motion be extended by three days to November 30, 2023. I do not need a further extension of the reply date, which would remain as December 4, 2023. Speedy trial time has already been excluded through that date.

Therefore, I respectfully ask the Court to modify the motion-filing schedule as follows: defense motions due by or on **November 16, 2023**, government response due by or on **November 30, 2023**, and reply due **December 4, 2023**. Speedy trial time has already been excluded through December 4, 2023, and of course, once filed, the clock will remain stopped pending a decision on the motion.

Thank you for Your Honor's consideration of this application.

Sincerely,

*/s/ Thomas H. Nooter*  
Attorney for Defendant

cc: Office of Damian William, Esq.  
United States Attorney  
Southern District of New York  
by: AUSA Henry Ross, Esq. (By ECF).

*Granted*  
SO ORDERED  
LEWIS A. KAPLAN, USDJ  
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